

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- WARREN MUNICIPAL HOUSING COURT

Introduced By: Senator Walter S. Felag

Date Introduced: March 29, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-2-47 of the General Laws in Chapter 45-2 entitled "General
2 Powers" is hereby amended to read as follows:

3 **45-2-47. Town of Warren -- Municipal court.**

4 (a) The town council of the town of Warren may establish a municipal court and confer
5 upon that court original jurisdiction, notwithstanding any other provisions of the general laws, to
6 hear and determine causes involving the violation of any ordinance, ~~including minimum housing~~
7 ~~ordinances of the town and any violation of the provisions of chapter 24.3 of this title, entitled the~~
8 ~~Rhode Island Housing Maintenance and Occupancy Code~~; provided, however, that any defendant
9 found guilty of any offense, excluding violations ~~of the minimum housing ordinances or chapter~~
10 ~~24.3 of this title may~~, outlined in subsection (b), of this section, may within seven (7) days of
11 conviction, file an appeal from the conviction to the superior court and be entitled in the latter
12 court to a trial de novo; ~~and provided further, however, that any defendant found guilty of any~~
13 ~~violation of a minimum housing ordinance or of chapter 24.3 of this title, may within seven (7)~~
14 ~~days of conviction, file an appeal from the conviction to the sixth division of the district court and~~
15 ~~be entitled to a trial de novo in accordance with §§ 8-8-3(a)(4) and 8-8-3.2.~~

16 (b) The town council of the town of Warren may establish a municipal housing court and
17 confer upon the court original jurisdiction, notwithstanding any other provisions of the general
18 laws, to hear and determine causes involving the violation of the zoning ordinances of the town

1 and any violation of the provisions of chapter 24 of this title, (the Rhode Island zoning enabling
2 act of 1991), any violation of chapter 24.1 of this title (the Historical Zoning Act), any violation
3 of chapter 24.2 of this title (Minimum Housing Standards Act), any violation of chapter 24.3 of
4 this title (Housing Maintenance and Occupancy Code), any violation of chapter 23 of this title
5 (Subdivision and Land Development Act), any violation of any local Warren ordinance or
6 regulation enacted pursuant to these chapters, and any violation of the provisions of chapter 27.3
7 of title 23 (the Rhode Island state building code), and any violation of the provisions of those
8 regulations promulgated by the state building code commission entitled SBC- 1 Rhode Island
9 state building code, SBC-2 Rhode Island state one and two (2) family dwelling code, SBC-3
10 Rhode Island state plumbing code, SBC-4 Rhode Island state mechanical code, SBC-5 Rhode
11 Island state electrical code, SBC-6 state property maintenance code, SBC-8 Rhode Island state
12 energy conservation code, and SBC-20 Rhode Island state fuel and gas code; and provided,
13 further, that any party aggrieved by a final judgment, decree or order of the Warren housing court
14 may, within twenty (20) days after entry of this judgment, decree or order, petition to the supreme
15 court for the state of Rhode Island for a writ of certiorari to review any errors involved. The
16 petition for the writ of certiorari shall state the errors claimed. Upon the filing of a petition with
17 the clerk of the supreme court, the supreme court may, if it sees fit, issue a writ of certiorari to the
18 Warren housing court to certify to the supreme court the record of the proceedings of the case
19 together with and transcript of the proceedings by the petitioner at his expense.

20 ~~(b)~~ (c) With respect to violations ~~of either municipal ordinances dealing with minimum~~
21 ~~housing or chapter 24.3 et seq. of this title dealing with housing maintenance and occupancy,~~
22 falling under the jurisdiction of the Warren housing court, as outlined in subsection (b) of this
23 section, the town council may also confer upon the ~~municipal~~ housing court, in furtherance of the
24 court's jurisdiction, the power to proceed according to equity:

- 25 (1) To restrain, prevent, enjoin, abate, or correct a violation;
- 26 (2) To order the repair, vacation, or demolition of any dwelling, existing in violation; ~~or~~
- 27 (3) To otherwise compel compliance with all of the provisions of those ordinances,
28 regulations, and statutes- ;

29 (4) To authorize some official of the city or town, upon the owner's failure to remedy a
30 violation, to remedy the violation at the expense of the owner, with the cost of remedial measure
31 recorded as a lien against the property, which shall be treated in the same manner as local
32 property tax liens; or

33 (5) To order a dwelling into receivership and to order the removal of any cloud on the
34 title to the building or property which shall be binding upon all those claiming by, through, under,

1 or by virtue of any inferior liens or encumbrances pursuant to chapter 44 et seq., of title 34.

2 ~~(e)~~ (d) The town council of the town of Warren is authorized and empowered to appoint a
3 judge and clerk of the municipal court. The town council of the town of Warren is also authorized
4 to appoint a judge and clerk of the housing court, which may be, but is not required to be, the
5 same person(s) holding the judgeship over the municipal court. The town council ~~of the city~~ is
6 authorized and empowered to enact ordinances governing the personnel, operation, and procedure
7 to be followed in the court and to establish a schedule of fees and costs and to otherwise provide
8 for the operation and management of the court. The municipal court may impose a sentence not to
9 exceed thirty (30) days in jail and impose a fine not in excess of five hundred dollars (\$500), or
10 both. The court is empowered to administer oaths, compel the attendance of witnesses, and
11 punish persons for contempt, and to execute search warrants to the extent the warrants could be
12 executed by a judge of the district court.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO TOWNS AND CITIES -- GENERAL POWERS -- WARREN MUNICIPAL
HOUSING COURT

- 1 This act would authorize the town council of the town of Warren to create a municipal
- 2 housing court and defines that court's jurisdiction.
- 3 This act would take effect upon passage.

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